

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID S. LAMPERT, RICHARD A. ASHBY,
ROBERT FERNEKES, JAMES MEEK, and JOHN JAUGILAS

Appeal No. 2003-1589
Application No. 09/016,002

HEARD: January 22, 2004



Before TORCZON, GROSS, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 2-10, 13-15, 17, 19, 20, and 23-29, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention relates to a navigable map database. Representative claim 23 is reproduced below.

23. A method for producing a database that represents geographic features in a geographic region comprising the steps of:

separating a plurality of data entities that represent the geographic features into a plurality of parcels,

wherein each parcel of said plurality of parcels contains a separate subset of said plurality of data entities, and

wherein the subset of said plurality of data entities contained in each parcel represents the geographic features located in a separate one of a plurality of areas into which the geographic region is divided;

wherein an improvement comprises:

for each parcel of said plurality of parcels,

dividing the area associated therewith into a plurality of sub-areas;

and

storing a first index that identifies, for each of the data entities contained in the parcel, each of the sub-areas intersected by the geographic feature represented thereby,

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whereby each sub-area in which a geographic feature is located can be determined by using the first index.

The examiner relies on the following reference:

Driessens et al. (Driessens) 4,888,698 Dec. 19, 1989

Claims 2-10, 13-15, 17, 19, 20, and 23-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Driessens.

We refer to the Final Rejection (Paper No. 19) and the Examiner's Answer (Paper No. 26) for a statement of the examiner's position and to the Brief (Paper No. 25) for appellants' position with respect to the claims which stand rejected.

OPINION

The examiner has rejected all the present claims under section 103 as being unpatentable over Driessens. At the outset, we note that at least portions of the statement of the rejection appear to be internally inconsistent. For example, the rejection of claim 23 (Answer at 6) appears to point out where the claimed "first index" may be found in the reference. The rejection goes on, however, to state that Driessens fails to "explicitly teach" a "first index." The rejection then asserts that it would have been obvious to have a "first index," because indexes are used to speed retrieval of data or files, and to access the files or data in a sorted order by creating an alphabetized list of keywords.

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In any event, appellants acknowledge that each independent claim on appeal is in Jepson format, and that Driessen teaches all that is recited in the respective preambles of the claims. (Brief at 17.) Appellants disagree, however, with any implication that the reference discloses or suggests dividing an area associated with each of a plurality of parcels into a plurality of sub-areas, as expressed in instant claim 23. Appellants' position is that "parcelization," and its product -- "parcels" -- are terms of art, as evidenced by both the instant specification and the written description of Driessen.

Driessen teaches that a "storage parcel" is a unit of space in memory having a predetermined capacity, such as a single sector on a CD-ROM. Col. 6, ll. 12-18. The reference describes parcelization of data derived from, as an example, a roadmap. If the amount of data representing a particular rectangular area (main cell) associated with the roadmap is too great to fit into a single parcel (Fig. 1), the blocks are further sub-divided (Figs. 2, 3) into base cells, such that each base cell substantially fills a parcel. If a base cell is insufficient to occupy at least 75% of a parcel, adjacent base cells are checked to determine if adjacent cells may be grouped within the parcel. Col. 6, l. 5 - col. 7, l. 32.

The terms used in the claims bear a "heavy presumption" that they mean what they say and have the ordinary meaning that would be attributed to those words by persons skilled in the relevant art. Texas Digital Sys., Inc. v. Telegenix, Inc., 308 F.3d 1193, 1202, 64 USPQ2d 1812, 1817 (Fed. Cir. Oct. 16, 2002). The rejection provides

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no evidence that the artisan's understanding of the ordinary meaning of "parcel" is any different from that reflected by the disclosure of Driessen.

We agree with the examiner to the extent that the use of indexes was a known expedient for facilitating retrieval of data from memory. Appellants do not dispute that generality. Indeed, Driessen teaches an index (Fig. 5) for retrieving data related to main cells, and another index (Fig. 7) related to base cells. Col. 7, l. 55 - col. 9, l. 15. However, the rejection's assertion with respect to what would have been obvious does not speak to the particular claim requirements directed to what the index is to contain.

We find no disclosure or suggestion in Driessen for dividing an area associated with a single parcel into a plurality of sub-areas, much less disclosure or suggestion for storing an index that identifies, for each of the data entities contained in the parcel, each of the sub-areas intersected by the geographic feature represented thereby, as required by instant claim 23.¹

The remainder of the independent claims, other than claim 26, contain limitations similar to those of claim 23 that we find distinguish over Driessen. Instant claim 26 requires at least a plurality of groupings based upon a division of the area associated

¹ At the oral hearing we noted that dividing an area into a plurality of sub-areas, and an index that identifies each of the sub-areas intersected by a geographic feature, appears to be taught by well-known prior art (paper) road atlases in which one may refer to indexes that contain names of roads associated with the sub-areas containing a particular road. Appellants' representative was, understandably, not prepared to articulate where a difference may lie between the claimed feature and the prior art road atlases, as the question apparently had not previously arisen during the instant prosecution. Appellants may choose to supplement the record, and, further, have a duty to disclose to the Office all information known to be material to patentability with respect to each pending claim.

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with a parcel into a plurality of smaller sub-areas, which are not disclosed or suggested by the reference.

We are thus persuaded by appellants that the evidence relied upon in the instant rejection is insufficient to show prima facie unpatentability of the claimed subject matter. We do not sustain the rejection of claims 2-10, 13-15, 17, 19, 20, and 23-29 under 35 U.S.C. § 103 as being unpatentable over Driessen.

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CONCLUSION

The rejection of claims 2-10, 13-15, 17, 19, 20, and 23-29 under 35 U.S.C. § 103
is reversed.

REVERSED

RICHARD TORCZON
RICHARD TORCZON)
Administrative Patent Judge)
)
Anita PELLMAN GROSS) BOARD OF PATENT
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